



HOUSE NOTES

**The Latest News from the State Capitol
Louisiana House of Representatives
Regular Session
May 15, 2009**

The House finished its work this week passing [House Bill 1](#) and [House Bill 2](#), the General Appropriation and Capital Outlay bills. A total of 125 House bills and no Senate bills were passed by the House during the third week of the legislative session.

Only one bill has been sent to the governor for his consideration, [Senate Bill 283](#) which has been signed by the governor and becomes Act 1. This legislation amends the definition of a "mega-project," changing the criteria for a project to qualify for funds from the Mega-Project Development Fund.

TAXES

* [House Bill 720](#) enacts the Louisiana Tax Delinquency Amnesty Act of 2009. The legislation requires that the Act be effective for no more than two consecutive calendar months between July 1, 2009, and June 30, 2010, the effective time to be at the discretion of the secretary of the Dept. of Revenue.

The act will apply to taxes due prior to January 1, 2009, for which the department issued a demand for payment on or after July 1, 2001, and before May 31, 2009. The taxpayer is required to pay all of the tax, fees and costs if applicable, and half of the interest due at the time of filing the amnesty application. No installment agreements will be allowed. Taxpayers who participate in this program and later fail to comply with any payment or filing provision for the taxable periods after January 1, 2010, and before December 31, 2015, will be subject to the negligence penalty under present law or a

penalty of \$100, whichever is greater.

Monies from this act placed in the state general fund will be available exclusively to the Board of Regents for the funding of higher education institutions. A specific allocation of \$1,250,000 is required for the Louisiana State University and Agricultural and Mechanical College, Office of Academic Affairs, to be used solely for the operation of the Fire and Emergency Training Institute and its ancillary facilities.

The bill passed the House and awaits further action in the Senate Revenue and Fiscal Affairs Committee.

SEX OFFENSES

* Under present law, sexual conduct between an educator and a student is prohibited when the student is 17 years of age or older but less than 19 years of age. [House Bill 476](#) amends the law to apply to students who are 17 years of age or older but less than 21 years of age when there is an age difference of greater than four years. The proposed legislation also clarifies that these provisions apply only to secondary schools.

The proposed legislation also prohibits sexually violent predators, who currently are prohibited from residing within 1000 feet of a school, day care facility, playground, public or private youth center, public swimming pool, or free-standing arcade, from residing within 1000 feet of child care facilities, group homes, residential homes, and family child day care homes.

Sex offenders, who are currently

prohibited from residing or being physically present within 1000 feet of a school, public park, or recreational facility, would be further prohibited from being physically present within the same limits from day care centers, child care facilities, group homes, residential homes, and family child day care homes.

The proposed legislation further creates the crime of unlawful participation in a child-related business. Sex offenders whose offense involved a person under the age of 13 would not be allowed to own, operate, or participate in the governance of those child care facilities or family child day care homes. A violation of this proposed law carries a penalty of a fine of up to \$1,000, imprisonment with or without hard labor up to one year, or both. The crime of contributing to the endangerment of a minor is also created. This includes employment of a sex offender in a day care center, residential home, community home, group home child care facility, or family child day care home as well as permitting a sex offender to have physical access to these facilities. Penalties include a fine of up to \$1,000, imprisonment up to six months, or both.

Sex offenders currently cannot be eligible for parole, unless as a condition thereof, the offender is prohibited from engaging in business or volunteer activities which would require the offender to engage in a significant amount of direct contact with children. Under this proposal, they also would be prohibited from volunteering where goods, services, instruction, or care will be provided to minor children or where the offender will engage in direct contact with children. When this activity does not require the offender to engage in such contact with minor children, the sex offender shall still be required to notify the officer or director of the volunteer organization of his status as a convicted sex offender prior to engaging in any volunteer work. A limitation of liability is provided for the organization or any officer or director for failure to comply.

A sex offender cannot at this time be

eligible for parole, unless as a condition, the offender is prohibited from residing or being physically present within 1000 feet of a day care facility, playground, public or private youth center, public swimming pool, or free-standing video arcade. The legislation changes day care facility to day care center and adds child care facilities, group homes, residential homes and family child day care homes.

The bill passed the House and awaits further action in the Senate Committee on Judiciary C.

FIREARMS

* [House Bill 44](#) would create the crime of reckless or criminally negligent discharge of a firearm within one thousand feet of any parade, demonstration, or gathering for which a permit is issued by a governmental entity.

The provisions of House Bill 44 would not apply to firearms used for hunting, by law enforcement, in private residences, and at historic reenactments or to the discharge of any firearm that has been authorized as part of the parade itself.

The penalty for reckless discharge of a firearm at a parade or demonstration is imprisonment at hard labor for five to 10 years and a fine of \$5,000. At least three years of the sentence imposed is to be served without benefit of parole, probation, or suspension of sentence.

House Bill 44 is scheduled for House floor debate on Tuesday, May 19.

MOTOR VEHICLES

* [House Bill 55](#), approved by the House Transportation, Highways and Public Works Committee, would prohibit the installation of sound amplification systems on the chassis of a vehicle, including the grill or undercarriage. In addition, the sound made by vehicle horns cannot be altered. Violators would be fined \$500.

The provisions of House Bill 55 would not apply to emergency response vehicles or those vehicles used solely for commercial

purposes.

House Bill 55 is scheduled for House floor debate on Monday, May 18.

HOMESTEAD/ SEIZURES & SALES

* [House Bill 261](#) increases the homestead exemption that can be seized from \$25,000 to \$35,000 and prohibits the seizure of a homestead due to a judgment for credit card debt. However, a judgment creditor would have the right to be paid from proceeds resulting from the sale of the homestead.

A judgment debtor may bring an action to annul a sheriff's sale conducted in violation of proposed law only if the judgment creditor is the purchaser at the sale and still in possession of the property.

House Bill 261 was unanimously approved by the House Committee on Civil Law and Procedure and is scheduled for House floor debate on Monday, May 18.

DWI

* Under present law, a person's driver's license is suspended for 180 days upon first refusal to submit to a chemical test and 545 days, without benefit of hardship license, on subsequent refusals occurring within five years of the first refusal.

Under the provisions of [House Bill 445](#), if a person refuses to submit to a chemical test when stopped for suspicion of driving while intoxicated, his driving privileges shall be suspended as follows:

- a) On first refusal—two years from the date of suspension;
- (b) In the event that a fatality occurred or a person sustained serious bodily injury as a result of an accident—two years, without benefit of eligibility for a hardship license; and
- (c) On second and subsequent refusals occurring within five years of the first refusal—four years from the date of suspension, without the benefit of eligibility for a hardship license.

HB 445 is scheduled for House floor debate on Monday, May 18.

SOLICITATION/ COLLEGES & UNIVERSITIES

* Under present law, public postsecondary education institutions are required to ban the on-campus dissemination of solicitations, advertisements, applications, or information concerning consumer credit cards to undergraduate students during registration for classes.

[House Bill 461](#) would make the prohibition applicable at any time rather than during class registration.

By a vote of 53-46 House Bill 461 was recommitted to the Committee on Commerce.

HIGHWAYS

* [House Bill 855](#) provides that no vehicle shall be driven in the left-hand lane on any multi-lane highway except when directed otherwise, preparing for a left turn, or passing another vehicle proceeding in the same direction or when right-hand lanes are congested. In addition, the proposed law provides that no vehicle traveling in the left-hand lane shall be driven at a speed slower than any vehicle traveling to its right on the same roadway. The proposed law provides exemptions for when contraflow has been activated during a declared state of emergency.

The measure directs the Office of Motor Vehicles to include a summary of left hand lane usage in any instructional publication for drivers and the Department of Transportation and Development (DOTD) to place signs on multilane highways in an effort to make motorists aware of the new rules, and the Louisiana Highway Commission and DOTD jointly to develop a public awareness campaign to notify motorists of the provisions of the proposed law.

House Bill 855 was approved by a vote of 75-15 and has been assigned to the Senate Committee on Transportation, Highways, and Public Works.

EMPLOYMENT/WAGES

* [House Bill 705](#) creates the Louisiana Equal Pay for Women Act. The legislation provides that the public policy of this state is that paying unequal wages based on sex unjustly discriminates against the person receiving the lesser rate, leads to low morale, threatens the well-being of the citizens of this state, and adversely affects the general welfare. The bill makes it unlawful for an employer who employs four or more employees to pay one employee at a rate less than that which another employee of the opposite sex is paid for the same or substantially the same work. Exceptions are allowed when pay is made under a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or a differential based on a factor other than sex. An employer cannot lower an employee's pay in order to comply with this proposed law. An employer who violates this proposed law may be liable for damages. Also, if an employee brings a fraudulent claim, the employer is entitled to reasonable damages, attorney fees, and court costs. The bill was unanimously approved by the House labor committee.

HIGH SCHOOL CURRICULUM

* [House Bill 612](#) requires the State Board of Elementary and Secondary Education (BESE) to develop and adopt course and curriculum requirements for career major programs offered by city, parish, and other local public school boards and issue a career diploma to any student who successfully completes the established requirements.

A career diploma would be considered a regular standard diploma and would be recognized by all institutions under the Board of Supervisors of Community and Technical Colleges. Such institutions would offer dual enrollment or a business internship or work-study program when such opportunities are available.

Public school boards seeking to establish a career major would be required to submit a proposed career major curriculum to BESE for approval.

A student seeking to pursue a career major curriculum must meet one of the following conditions: (1) The student has fulfilled all requirements established by BESE and the local public school board for promotion to 9th grade; or (2) the student is at least 15 or will turn 15 during the upcoming school year and has scored at least approaching basic on either the English/language arts or math component of the 8th grade LEAP test and meets criteria established by the local school system's pupil progression plan to enter the 9th grade for the purpose of pursuing a career major curriculum.

To pursue a career diploma, a student would be required to have the written permission of his legal guardian after consultation with a guidance counselor or school administrator and a determination that participation in a career major curriculum and pursuit of a career diploma are appropriate and in the student's best interest.

House Bill 612 is scheduled for House floor debate on Wednesday, May 20.

CIVIL SERVICE

* [House Bill 595](#) proposes an educational program designed to improve the supervisory and managerial skills of state unclassified officials and employees. The program would be designed to provide a reasonable person with the knowledge to conduct performance planning and review sessions to conform with civil service rules.

No state unclassified official or employee who is responsible for conducting performance planning and review sessions for classified employees can receive an increase in compensation until he has completed his performance planning and review sessions.

The effective date of the proposed legislation is July 1, 2010.

House Bill 595 is scheduled for floor

debate on Thursday, May 21.

* [House Concurrent Resolution 6](#) requests the State Civil Service Commission to make changes to rules affecting layoff procedures, job classifications, and merit increases.

The resolution requests that rules regarding displacement in layoff situations allow agencies to retain employees for reasons other than seniority ("bumping"). Further asks that the number of pay bands be limited to 35 or fewer and job classifications to 700 or fewer to provide for flexibility in organizational restructuring. This would allow employees to be moved through expanded pay ranges without reclassifying positions.

The resolution request a progress report from the Dept. of Civil Service to the House and Governmental Affairs and Senate and Governmental affairs committees by January 1, 2010.

HCR 6 is scheduled for House floor debate on Thursday, May 21.

* [House Concurrent Resolution 98](#) requests the Department of State Civil Service (DSCS) to report to the legislature information about the employee evaluation system for classified employees, employee merit pay increases, and other base pay increases. The resolution further requires departments and agencies to furnish the information necessary for DSCS to complete such a report.

The report must be submitted to the presiding officers of both houses of the legislature and to the House and Governmental Affairs and Senate and Governmental Affairs committees no later than September 30, 2009, and annually thereafter.

The resolution is scheduled for floor debate on Thursday, May 21.

FAILED TO ADVANCE

* [House Concurrent Resolution 8](#) would have expressed legislative intent to certify all funds available under the American

Recovery and Reinvestment Act of 2009. The resolution was involuntarily deferred by the House Labor and Industrial Relations Committee.

* Under [House Bill 104](#), any person who has served at least 10 years of a term of imprisonment would be eligible for parole consideration upon reaching the age of 60. Exceptions include any inmate convicted of a crime of violence, any sex offense, or anyone who has been sentenced as an habitual offender. The bill was defeated on the House floor by a vote of 42-53.

* [House Bill 137](#) would have required all adults participating in the Temporary Assistance for Needy Families Block Grant to be drug tested. The bill was involuntarily deferred by the House Health and Welfare Committee.

* [House Bill 387](#) would have banned certain assault weapons. The bill failed to win approval by the House criminal justice committee.

* [House Bill 715](#) would have provided for parole eligibility for certain juvenile offenders once they reach the age of 31. The bill was involuntarily deferred by the House criminal justice committee.